

REMARKS

The Office Action dated 23 November 2009 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-12 are now pending in this application. Claims 1-12 stand rejected.

The rejection of Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0032495 by Ozaki (hereinafter referred to as "Ozaki") is respectfully traversed.

Initially, Applicants respectfully submit that the Section 102 rejection of Claims 1-12 is not a proper rejection. The Federal Circuit has opined that to anticipate a claim, a single source must contain all of the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 137, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). Also, missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. See *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Further, as stated in M.P.E.P. § 2131, a claim is anticipated by a reference only if each and every element as set forth in the claim is found, either expressly or inherently described, in the cited reference. Applicants respectfully submit that Ozaki does not describe nor suggest, either expressly or inherently, determining a health of a plant asset, applying a rule set configured to locate data input using full operand relative path information, and/or testing a plant asset specific rule.

Ozaki describes a production management system that includes a plurality of pieces of production apparatus (Apparatus #A, Apparatus #B, etc.) disposed on a production line (1), a production controller (2) coupled to the production apparatus, and a simulator (3). The simulator performs a simulation of physical distribution for a specified period of time through use of a simulation parameter, apparatus information, and process information acquired from the production controller. A re-simulation of physical distribution is performed while taking, as parameters for optimizing physical distribution, time-series data pertaining to the availability factor of each apparatus and the load factor of each apparatus obtained as a result

of the simulation. Moreover, during the re-simulation, other time-series data pertains to the start and termination times of an event which is to arise in the period of a simulation. A dispatch rule set for each apparatus or a group of pieces of apparatus having a single function is dynamically changed, thus feeding back the change to control of real physical distribution. As a result, an optimal result of simulation is produced considering the predicted amount of material to be physically distributed and a predicted time-series in-process. Furthermore, Ozaki repeatedly equates the output of the dispatch rule, to a physical distribution rule. The output is thus understood to be a decision regarding the physical distribution of material.

At paragraph [0009], Ozaki describes assigning an automatically-extracted parameter, such as an equipment path for each device or process, to a production controller. Moreover, at paragraphs [0017]-[0018], Ozaki describes capturing data pertaining to a disturbance factor, such as a scheduled time for starting and terminating an inspection, a scheduled time for starting and terminating a test, and a scheduled time for starting and terminating maintenance of a production apparatus. These disturbance factors are used as inputs to a simulation of physical distribution. Notably, Ozaki does not describe nor suggest determining a health of a plant asset.

Claim 1 recites a method of managing a machinery monitoring system including a database of at least one rule set, the rule set including at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, wherein the relational expression is specific to a plant asset. The method includes “importing, by an end user, data representative of a rule set into the machinery monitoring system, the data including full operand relative path information ... applying the at least one rule set to a specific plant asset that is monitored by a plant monitoring and control system wherein the at least one rule set is configured to locate the data input using at least a portion of the full operand relative path information ... and determining, by the at least one of the machinery monitoring system and the plant monitoring and control system, a health of the plant asset based on the data output.”

Ozaki does not describe nor suggest a method of managing a machinery monitoring system as is recited in Claim 1. More specifically, Ozaki does not describe nor suggest

determining a health of a plant asset. Rather, as described above, Ozaki is directed to optimizing *physical distribution of material* in a production management system. Moreover, Ozaki only refers to inspection and maintenance of a production apparatus in the sense that scheduled inspections and maintenance are “disturbance factors” that may affect a simulation of physical distribution. In other words, scheduled inspections and maintenance are merely *inputs* to the simulation. Nowhere does Ozaki describe nor suggest determining a health of a plant asset. Rather, the output of Ozaki is limited to a decision regarding the physical distribution of material.

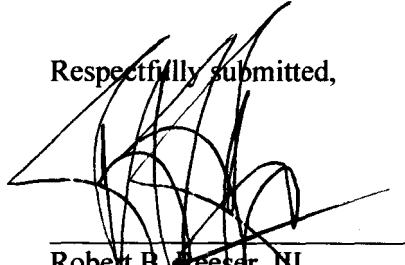
Furthermore, Ozaki does not describe nor suggest applying a rule set that is configured to locate data input using full operand relative path information, as is recited in Claim 1. Ozaki references an equipment path, but fails to describe or suggest that the equipment path is relative or that the equipment path is used by a rule set to locate data input. In contrast, Claim 1 recites applying at least one rule set to a specific plant asset that is monitored by a plant monitoring and control system wherein the at least one rule set is configured to locate data input using at least a portion of the full operand relative path information.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ozaki. Claims 2-12 depend from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Ozaki.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. § 102 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Robert B. Keiser, III', is written over a horizontal line.

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